

River National Forest, Colorado, to include land known as the State Creek Addition (Rept. No. 105-97).

S. 589. A bill to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys (Rept. No. 105-98).

S. 591. A bill to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado (Rept. No. 105-99).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COATS (for himself and Mr. HARKIN):

S. 1255. A bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based policy may be used to enable individuals and families with limited means to achieve economic self-sufficiency; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. REID, Mr. COVERDELL, Mr. THURMOND, Mr. GRAMM, and Mr. BURNS):

S. 1256. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials, or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions in which no State law claim is alleged; to permit certification of unsettled State law questions that are essential to Federal claims arising under the Constitution; to allow for efficient adjudication of constitutional claims brought by injured parties in the United States district courts and the Court of Federal Claims; to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; and for other purposes; to the Committee on the Judiciary.

By Mr. FAIRCLOTH:

S. 1257. A bill to prohibit the Secretary of the Interior from permitting oil and gas leasing, exploration, or development activity off the coast of North Carolina unless the Governor of the State notifies the Secretary that the State does not object to the activity; to the Committee on Energy and Natural Resources.

By Mr. BENNETT:

S. 1258. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. HOLINGS, and Mr. BREAUX):

S. 1259. A bill to authorize appropriations for fiscal years 1998 and 1999 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 130. A resolution to authorize testimony by a Member and an employee of the Senate; considered and agreed to.

By Mr. DOMENICI (for himself, Mr. D'AMATO, Mr. COATS, Mr. MURKOWSKI, Mr. MACK, Mr. DEWINE, Mr. HELMS, and Mr. LEAHY):

S. Res. 131. A resolution to express the sense of the Senate regarding the provision of technical assistance in the restoration of the Basilica of St. Francis of Assisi; considered and agreed to.

By Mr. WARNER:

S. Res. 132. A resolution to authorize the printing of a collection of rules and authorities of special investigatory committees of the Senate; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. REID, Mr. COVERDELL, Mr. THURMOND, Mr. GRAMM, and Mr. BURNS):

S. 1256. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal Agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions in which no State law claim is alleged; to permit certification of unsettled State law questions that are essential to Federal claims arising under the Constitution; to allow for efficient adjudication of constitutional claims brought by injured parties in the U.S. district courts and the Court of Federal Claims; to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution; and for other purposes; to the Committee on the Judiciary.

THE CITIZENS ACCESS TO JUSTICE ACT OF 1997

Mr. HATCH. Mr. President, I am pleased today to introduce the Citizens Access to Justice Act of 1997. Many Members of the Senate have as a paramount concern the protection of individual rights protected by our Constitution.

One particular right—the right to own and use private property free from arbitrary governmental action—is increasingly under attack from the regulatory state. Indeed, despite the constitutional requirement for the protection of property rights, the America of the late 20th century has witnessed an explosion of Federal regulation that has jeopardized the private ownership of property with the consequent loss of individual liberty.

Under current Federal regulations, thousands of Americans have been denied the right to the quiet use and en-

joyment of their private property. Arbitrary bureaucratic enforcement of Federal and State regulatory programs has prevented Americans from building homes and commercial buildings, plowing fields, repairing barns and fences, clearing brush and fire hazards, felling trees, and even removing refuse and pollutants, all on private property.

To make matters worse, many property owners often are unable to safeguard their rights because they effectively are denied access to Federal courts. In a society based upon the rule of law, the ability to protect property and other rights is of paramount importance. Indeed, it was Chief Justice John Marshall, who in the seminal 1803 case of *Marbury versus Madison*, observed that the "government of the United States has been emphatically termed a government of laws, and not of men. It will cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested right." Despite this core belief of John Marshall and other Founders, the ability of property owners to vindicate their rights in court today is being hampered by the overlapping and confusing jurisdiction of the Court of Federal Claims and the Federal district courts over fifth amendment property rights claims. It is also frustrated by localities which sometimes create labyrinths of administrative hurdles that property owners must jump through before being able to bring a claim in Federal court to vindicate their Federal constitutional rights. CAJA seeks to remedy these situations. Let me explain.

The Tucker Act, which waives the sovereign immunity of the United States by granting the Court of Federal Claims jurisdiction to entertain monetary claims against the United States, actually complicates the ability of a property owner to vindicate their right to just compensation for a Government action that has caused a taking. The law currently forces a property owner to elect between equitable relief in the Federal district court and monetary relief in the Court of Federal Claims. Further difficulty arises when the law is used by the Government to urge dismissal in the district court on the ground that the plaintiff should seek just compensation in the Court of Federal Claims, and is used to urge dismissal in the Court of Federal Claims on the ground that plaintiff should first seek equitable relief in the district court.

This Tucker Act shuffle is aggravated by section 1500 of the Tucker Act, which denies the Court of Federal Claims jurisdiction to entertain a suit which is pending in another court and brought by the same plaintiff. Section 1500 is so poorly drafted and has brought so many hardships, that Justice Stevens, in *Keene Corporation versus United States*, 113 S.Ct. 2035, 2048 (1993), has called for its repeal or amendment. CAJA would resolve the jurisdictional muddle by both repealing section 1500 and by eliminating the

Tucker Act shuffle, thereby granting to both courts concurrent jurisdiction to fully adjudicate takings claims. To assure uniformity in property rights law, appeals from both courts would be heard by the Court of Appeals for the Federal Circuit.

Adding to this jurisdictional problem, is the misapplication by many courts of the finality doctrine. These courts have required claimants to jump through endless administrative, appellate and other hoops, sometimes created by agencies to retard the legitimate use and development of property, before these courts will adjudicate claims. This has resulted in increased costs to the taxpayers and has impeded innocent property owners from vindicating their constitutionally protected rights. Recently, the U.S. Supreme Court in *Suitum versus Tahoe Regional Planning Agency*—1997, struck as an impermissible burden on property rights such administrative and appellate schemes that make it overly difficult for property owners to protect their rights in court. CAJA would codify the *Suitum* case, thereby providing courts with guidance on the application of the finality doctrine.

Finally, I must emphasize that CAJA certainly does not create any substantive rights. The definition of property, as well as what constitutes a taking under the just compensation clause of the fifth amendment, is left to the courts to define. The bill would not change existing case law's ad hoc, case-by-case definition of regulatory takings. Instead, it would provide a procedural fix to the litigation muddle that delays and increases the cost of litigating a fifth amendment taking case. All CAJA does is to provide for fair procedures to allow property owners the means to safeguard their rights by having their day in court.

I ask for your support to allow just claimants their day in court.

By Ms. SNOWE (for herself, Mr. HOLLINGS, and Mr. BREAUX):

S. 1259. A bill to authorize appropriations for fiscal years 1998 and 1999 for the U.S. Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COAST GUARD AUTHORIZATION ACT FOR  
FISCAL YEARS 1998 AND 1999

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act for fiscal years 1998 and 1999.

The Coast Guard is one of our Nation's truly essential agencies. It aids people in distress on our bays, oceans, and waterways, preventing injuries and loss of life on these waters.

It enforces all Federal laws and treaties related to the high seas and U.S. waters. It is the lead Federal agency for preventing and responding to major pollution incidents in the coastal zone. It makes our ports and shipping lanes safe for efficient marine transportation and commerce. And, as one of the five armed forces, it provides a critical

component of the Nation's defense strategy.

A few statistics graphically illustrate the Coast Guard's importance to the Nation. Last year, it saved 4,750 lives, assisted more than 90,000 individuals in distress, and saved or protected nearly \$6 billion in property.

As part of its law enforcement mission in 1996, the Coast Guard confiscated 29 tons of cocaine and marijuana that was destined for the United States. It intercepted over 9000 immigrants headed to our shores.

During the same year, the Coast Guard responded to more than 17,000 pollution incidents. And the maritime cargo activities that the Coast Guard monitors and protects are estimated to contribute \$74 billion annually to our GDP.

Fortunately for the American people, the Coast Guard performs these and other essential missions with a high degree of professionalism.

Last year, Congress enacted the Coast Guard Authorization Act of 1996, which authorized the Coast Guard through fiscal year 1997. The bill we are introducing today reauthorizes the Coast Guard for the next 2 years—fiscal years 1998 and 1999.

It authorizes both appropriations and personnel levels for these 2 years. And it also contains various provisions that are designed to, among other things, provide greater flexibility to the Coast Guard on personnel administration, streamline the inventory management process, eliminate an unnecessary reporting requirement, and enhance the effectiveness of the Coast Guard Investigative Service. The bill also provides authority to transfer excess property to the Coast Guard Auxiliary, protects personal information from release to the public during marine casualty investigations, conforms the U.S. territorial sea definition in certain laws to the 1988 Presidential Proclamation extending it from 3 to 12 miles, provides for some noncontroversial property conveyances, and contains other provisions.

One provision that deserves particular mention relates to marine safety. Needless to say, we must have a zero tolerance policy when it comes to the use of alcohol and illegal drugs by anyone involved with the operation of a vessel. Unfortunately, some problems have arisen in recent years with the implementation of the Coast Guard's chemical testing requirements that apply in the aftermath of serious marine incidents like oil spills.

Last year, after the oil tanker *Julie N* hit a bridge in Portland, ME, and spilled 170,000 gallons of oil, it was revealed that the pilot of the vessel failed to complete a test for alcohol, as required by regulation. Consequently, we will never know whether he was under the influence of alcohol when he hit the bridge. And this is not the only case of such a lapse. The National Transportation Safety Board, with whom I consulted on this language, has

identified approximately 20 cases in recent years in which chemical testing procedures have not been properly complied with after serious marine incidents.

This bill contains a provision designed to address the problem. Whereas current regulations only require the marine employer to ensure that alcohol tests are promptly conducted, the bill adds a provision that will require the Coast Guard to ensure that these tests are conducted, one way or another, within 2 hours of the accident being stabilized. The provision also increases the civil penalty for failure to comply with Coast Guard chemical testing procedures from \$1,000 to \$5,000. With these two changes, we will now have a clear chain of accountability in the testing process and a powerful incentive that should prevent testing lapses—and hopefully accidents related to intoxication—from occurring in the future.

Mr. President, this is a good bill that enjoys bipartisan support on the Commerce Committee. I look forward to moving this bill to the Senate floor at the earliest opportunity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1259

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Coast Guard Authorization Act for Fiscal Years 1998 and 1999".

**SEC. 2. TABLE OF SECTIONS.**

The table of sections for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of sections.

**TITLE I—APPROPRIATIONS;  
AUTHORIZED LEVELS**

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

**TITLE II—COAST GUARD MANAGEMENT**

Sec. 201. Severance pay.

Sec. 202. Use of appropriated funds for commercial vehicles at military funerals.

Sec. 203. Authority to reimburse Novato, California, Reuse Commission.

Sec. 204. Eliminate supply fund reimbursement requirement.

Sec. 205. Authority to implement and fund certain awards programs.

Sec. 206. Disposal of certain material to Coast Guard Auxiliary.

**TITLE III—MARINE SAFETY AND  
ENVIRONMENTAL PROTECTION**

Sec. 301. Alcohol testing.

Sec. 302. Penalty for violation of International Safety Convention.

Sec. 303. Protect marine casualty investigations from mandatory release.

Sec. 304. Eliminate biennial research and development report.

Sec. 305. Extension of territorial sea for certain laws.

Sec. 306. Law enforcement authority for special agents of the Coast Guard Investigative Service.

## TITLE IV—MISCELLANEOUS

- Sec. 401. Vessel Identification System Amendments.
- Sec. 402. Conveyance of communication station Boston Marshfield receiver site, Massachusetts.
- Sec. 403. Conveyance of Nahant parcel, Essex County, Massachusetts.
- Sec. 404. Conveyance of Eagle Harbor Light Station.
- Sec. 405. Conveyance of Coast Guard station, Ocracoke, North Carolina.
- Sec. 406. Conveyance of Coast Guard property to Jacksonville University, Florida.
- Sec. 407. Coast Guard City, USA.
- Sec. 408. Vessel documentation clarification.

## TITLE I—APPROPRIATIONS; AUTHORIZED LEVELS

## SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1998, as follows:

(1) For the operation and maintenance of the Coast Guard, \$2,740,000,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$379,000,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$19,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$645,696,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program, \$26,000,000 to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), \$21,000,000, to remain available until expended.

(b) Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1999, as follows:

(1) For the operation and maintenance of the Coast Guard, \$2,740,000,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$379,000,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and

human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$19,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$675,568,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program, \$26,000,000 to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), \$21,000,000, to remain available until expended.

## SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) The Coast Guard is authorized an end-of-year strength for active duty personnel of 37,660 as of September 30, 1998.

(b) For fiscal year 1998, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,368 student years.

(2) For flight training, 98 student years.

(3) For professional training in military and civilian institutions, 283 student years.

(4) For officer acquisition, 797 student years.

(c) The Coast Guard is authorized an end-of-year strength for active duty personnel of such numbers as may be necessary as of September 30, 1999.

(d) For fiscal year 1999, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, such student years as may be necessary.

(2) For flight training, such student years as may be necessary.

(3) For professional training in military and civilian institutions, such student years as may be necessary.

(4) For officer acquisition, such student years as may be necessary.

## TITLE II—COAST GUARD MANAGEMENT

## SEC. 201. SEVERANCE PAY.

(a) WARRANT OFFICERS.—Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

(b) SEPARATED OFFICERS.—Section 286a of title 14, United States Code, is amended by striking the period at the end of subsection (b) and inserting “, unless the officer is separated with an other than Honorable Discharge and the Secretary of the Service in which the Coast Guard is operating determines that the conditions under which the officer is discharged or separated do not warrant payment of severance pay.”.

(c) EXCEPTION.—Section 327 of title 14, United States Code, is amended by striking the period at the end of paragraph (b)(3) and inserting “, unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of severance pay.”.

## SEC. 202. USE OF APPROPRIATED FUNDS FOR COMMERCIAL VEHICLES AT MILITARY FUNERALS.

Section 93 of title 14, United States Code, as amended by Section 203 of this Act, is further amended—

(1) by striking “and” after the semicolon at the end of paragraph (v);

(2) by striking the period at the end of paragraph (w) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(x) rent or lease, under such terms and conditions as are deemed advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery.”.

## SEC. 203. AUTHORITY TO REIMBURSE NOVATO, CALIFORNIA, REUSE COMMISSION.

The Commandant may use up to \$25,000 to provide economic adjustment assistance for the City of Novato, California, for the cost of revising the Hamilton Reuse Planning Authority's reuse plan as a result of the Coast Guard's request for housing at Hamilton Air Force Base. If the Department of Defense provides such economic adjustment assistance to the City of Novato on behalf of the Coast Guard, then the Coast Guard may use the amount authorized for use in the preceding sentence to reimburse the Department of Defense for the amount of economic adjustment assistance provided to the City of Novato by the Department of Defense.

## SEC. 204. ELIMINATE SUPPLY FUND REIMBURSEMENT REQUIREMENT.

Subsection 650(a) of title 14, United States Code, is amended by striking “The fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.” and inserting “In these regulations, whenever the fund is reduced to delete items stocked, the Secretary may reduce the existing capital of the fund by the value of the materials transferred to other Coast Guard accounts. Except for the materials so transferred, the fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.”.

## SEC. 205. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

(a) Section 93 of title 14, United States Code, is amended—

(1) by striking “and” after the semicolon at the end of paragraph (w);

(2) by striking the period at the end of paragraph (x) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(y) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including but not limited to state and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation).”.

## SEC. 206. DISPOSAL OF CERTAIN MATERIAL TO COAST GUARD AUXILIARY.

(a) Section 641 of title 14, United States Code, is amended—

(1) by striking “to the Coast Guard Auxiliary, including any incorporated unit thereof,” in subsection (a); and

(2) by adding at the end thereof the following:

“(f)(1) Notwithstanding any other law, the Commandant may directly transfer ownership of personal property of the Coast Guard to the Coast Guard Auxiliary (including any incorporated unit thereof), with or without charge, if the Commandant determines—

“(A) after consultation with the Administrator of General Services, that the personal

property is excess to the needs of the Coast Guard but is suitable for use by the Auxiliary in performing Coast Guard functions, powers, duties, roles, missions, or operations as authorized by law pursuant to section 822 of this title; and

"(B) that such excess property will be used solely by the Auxiliary for such purposes.

"(2) Upon transfer of personal property under paragraph (1), no appropriated funds shall be available for the operation, maintenance, repair, alteration, or replacement of such property, except as permitted by section 830 of this title."

### **TITLE III—MARINE SAFETY AND ENVIRONMENTAL PROTECTION**

#### **SEC. 301. ALCOHOL TESTING.**

(a) ADMINISTRATIVE PROCEDURE.—Section 7702 of title 46, United States code, is amended—

(1) by striking "(1)" in subsection (c);

(2) by redesignating paragraph (2) of subsection (c) as subsection (d)(1) and by redesignating subsection (d) as subsection (e);

(3) by striking "may" in the second sentence of subsection (d)(1) as redesignated, and inserting "shall"; and

(4) by adding at the end of subsection (d), as redesignated, the following:

"(2) The Secretary shall establish procedures to ensure that after a serious marine incident occurs, alcohol testing of crew members responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such incident is conducted no later than two hours after the incident is stabilized."

(b) INCREASE IN CIVIL PENALTY.—Section 2115 of title 46, United States Code, is amended by striking "\$1,000" and inserting "\$5,000".

(c) INCREASE IN NEGLIGENCE PENALTY.—Section 2302(c)(1) of title 46, United States Code, is amended by striking "\$1,000" and inserting "\$5,000".

#### **SEC. 302. PENALTY FOR VIOLATION OF INTERNATIONAL SAFETY CONVENTION.**

(a) IN GENERAL.—Section 2302 of title 46, United States Code, is amended by adding at the end following new subsection:

"(e)(1) A vessel may not be used to transport cargoes sponsored by the United States Government if the vessel has been detained by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention.

"(2) The prohibition in paragraph (1) expires for a vessel 1 year after the date of the detention on which the prohibition is based or upon the Secretary granting an appeal of the detention on which the prohibition is based.

"(3) The head of a Federal Agency may grant an exemption from the prohibition in paragraph (1) on a case by case basis if the owner of the vessel to be used for transport of the cargo sponsored by the United States Government can provide compelling evidence that the vessel is currently in compliance with applicable international safety conventions to which the United States is a party.

"(4) As used in this subsection, the term 'cargo sponsored by the United States Government' means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water."

#### **SEC. 303. PROTECT MARINE CASUALTY INVESTIGATIONS FROM MANDATORY RELEASE.**

Section 6305(b) of title 46, United States Code, is amended by striking all after "public" and inserting a period and "This sub-

section does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States."

#### **SEC. 304. ELIMINATE BIENNIAL RESEARCH AND DEVELOPMENT REPORT.**

(a) Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended by striking subsection (e) and by redesignating subsection (f) as subsection (e).

#### **SEC. 305. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.**

(a) PORTS AND WATERWAYS SAFETY ACT.—Section 102 of the Ports and Waterways Safety Act (33 U.S.C. 1222) is amended by adding at the end the following:

"(5) 'Navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988."

(b) SUBTITLE II OF TITLE 46.—

(1) Section 2101 of title 46, United States Code, is amended—

(A) by redesignating paragraph (17a) as paragraph (17b); and

(B) by inserting after paragraph (17) the following:

"(17a) 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988."

(2) Section 2301 of that title is amended by inserting "(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.)" after "of the United States".

(3) Section 4102(e) of that title is amended by striking "on the high seas" and inserting "beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured".

(4) Section 4301(a) of that title is amended by inserting "(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)" after "of the United States".

(5) Section 4502(a)(7) of that title is amended by striking "on vessels that operate on the high seas" and inserting "beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured".

(6) Section 4506(b) of that title is amended by striking paragraph (2) and inserting the following:

"(2) is operating—

"(A) in internal waters of the United States; or

"(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured."

(7) Section 8502(a)(3) of that title is amended by striking "not on the high seas" and inserting: "not beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured".

(8) Section 8503(a)(2) of that title is amended by striking paragraph (2) and inserting the following:

"(2) is operating—

"(A) in internal waters of the United States; or

"(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured."

#### **SEC. 306. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.**

(A) AUTHORITY.—Section 95 of title 14, United States Code, is amended to read as follows:

"§95. Special agents of the Coast Guard Investigative Service law enforcement authority

"(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

"(A) To carry firearms.

"(B) To execute and serve any warrant or other process issued under the authority of the United States.

"(C) To make arrests without warrant for—

"(i) any offense against the United States committed in the agent's presence; or

"(ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

"(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

"(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

"(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of transportation or the Attorney General."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by striking the item related to section 95 and inserting the following:

"95. Special agents of the Coast Guard Investigative Service; law enforcement authority."

### **TITLE IV—MISCELLANEOUS**

#### **SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.**

Title 46, United States Code, is amended—

(1) by striking "or is not titled in a State" in section 12102(a);

(2) by adding at the end of section 12301 the following:

"(c) A documented vessel shall not be titled by a State or required to display numbers under this chapter, and any certificate of title issued by a State for a documented vessel than be surrendered in accordance with regulations prescribed by the Secretary.

"(d) The Secretary may approve the surrender under subsection (a) of a certificate of title covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents."

(3) by striking section 31322(b) and inserting the following:

"(b) Any indebtedness secured by a preferred mortgage that is filed or recorded under this chapter, or that is subject to a mortgage, security agreement, or instruments granting a security interest that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree."

(4) by striking "mortgage or instrument" each place it appears in section 31322(d)(1) and inserting "mortgage, security agreement, or instrument";

(5) by striking section 31322(d)(1)(3) and inserting the following:

"(3) A preferred mortgage under this subsection continues to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage, security agreement, or instrument granting a security interest became a preferred mortgage under this subsection";

(6) by striking "mortgages or instruments" in subsection 31322(d)(2) and inserting "mortgages, security agreements, or instruments";

(7) by inserting "a vessel titled in a State," in section 31325(b)(91) after "a vessel to be documented under chapter 121 of this title,";

(8) by inserting "a vessel titled in a State," in section 31325(b)(8) after "a vessel for which an application for documentation is filed under chapter 121 of this title,"; and

(9) by inserting "a vessel titled in a State," in section 31325(c) after "a vessel to be documented under chapter 121 of this title,".

**SEC. 402. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Coast Guard Communication Station Boston Marshfield Receiver Site, Massachusetts, to the Town of Marshfield, Massachusetts.

(2) LIMITATION.—The Secretary shall not convey under this section the land on which is situated the communications tower and the microwave building facility of that station.

(3) IDENTIFICATION OF PROPERTY.—

(A) The Secretary may identify, describe and determine the property to be conveyed to the Town under this section.

(B) The Secretary shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(b) TERMS AND CONDITIONS.—Any conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) The Secretary may reserve utility, access, and any other appropriate easements on the property conveyed for the purpose of operating, maintaining, and protecting the communications tower and the microwave building facility.

(B) The Town and its successors and assigns shall, at their own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner as necessary to ensure the operation, maintenance, and protection of the communications tower and the microwave building facility.

(C) Any other terms and conditions the Secretary considers appropriate to protect the interests of the United States.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect January 1, 1998.

**SEC. 403. CONVEYANCE OF NAHANT PARCEL, ESSEX COUNTY, MASSACHUSETTS.**

(a) IN GENERAL.—The Commandant, United States Coast Guard, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the United States Coast Guard Recreation Facility Nahant, Massachusetts, to the Town of Nahant.

(b) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(c) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to such terms and conditions as the Commandant may consider appropriate.

**SEC. 404. CONVEYANCE OF EAGLE HARBOR LIGHT STATION.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of the General Services Administration shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Eagle Harbor Light Station, Michigan, to the Keweenaw County Historical Society.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3), (4), and (5) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property,

(A) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(B) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the person to which the property is conveyed may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The person to which the property is conveyed is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) REVERSION BASED ON USE.—The conveyance of the property described in subsection (a) is subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history.

(6) MAINTENANCE OF PROPERTY.—The person to which the property is conveyed shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

**SEC. 405. CONVEYANCE OF COAST GUARD STATION OCRACOKE, NORTH CAROLINA.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant, United States Coast Guard, or his designee (the "Commandant") may convey, by an appropriate means of conveyance, all right, title, and interest of the United States of America (the "United States") in and, to the Coast Guard station Ocracoke, North Carolina, to the ferry division of the North Carolina Department of Transportation.

(2) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and deter-

mine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—The conveyance of any property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) EASEMENTS.—The Commandant may reserve utility, access, and any other appropriate easements upon the property to be conveyed for the purpose of—

(i) use of the access road to the boat launching ramp;

(ii) use of the boat launching ramp; and

(iii) use of pier space for necessary search and rescue assets (including water and electrical power).

(B) MAINTENANCE.—The ferry division of North Carolina Department of Transportation, and its successors and assigns shall, at its own cost and expense, maintain the property conveyed under this section in a proper, substantial and workmanlike manner necessary for the use of any easements created under subparagraph (A).

(C) REVERSIONARY INTEREST.—All right, title, and interest in and to administered by the general services administration if the property, or any part thereof, ceases to be used by the Ferry Division of North Carolina Department of Transportation.

(D) OTHER.—Any other terms and conditions the Commandant may consider appropriate to protect the interests of the United States.

**SEC. 406. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY, FLORIDA.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to the University of Jacksonville, Florida, without consideration, all right, title, and interests of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of any property under this section shall be made—

(1) subject to the terms and conditions the Commandant may consider appropriate; and

(2) subject to the condition that all right, title, and interest in and to property conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University, Florida.

**SEC. 407. COAST GUARD CITY, USA.**

The community of Grand Haven, Michigan, shall be recognized as "Coast Guard City, USA".

**SEC. 408. VESSEL DOCUMENTATION CLARIFICATION.**

Section 1201(a)(4) of title 49, United States Code, and section 2(a) of the Shipping Act, 1916 (46 U.S.C. App. 802(a)) are each amended by—

(1) striking "president or other"; and

(2) inserting a comma and "by whatever title," after "chief executive officer".

**ADDITIONAL COSPONSORS**

S. 4

At the request of Mr. ASHCROFT, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently